

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 829 of 1991

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 - No.
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DHANJIBHAI MOHANBHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:

MR IM PANDYA for Petitioner

MR.K.C.SHAH,ADDL. PUBLIC PROSECUTOR for Respondent No. 1

MS SUBHADRA G PATEL for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/01/97

ORAL JUDGEMENT

Respondent No.1 filed Misc.Cri.Application No.21 of 1989 before the Judicial Magistrate, Ahmedabad(Rural) under section 125 of the Criminal Procedure Code and claimed monthly maintenance for herself and her three minor children from the present petitioner. The learned Magistrate considering the evidence led before it held that the claimant was the wife of the petitioner and that the petitioner had neglected to maintain her and the

children. Considering the income of the petitioner, learned Magistrate awarded a monthly maintenance of Rs.200/- to the applicant wife and Rs.75/- to each of the minor children. Feeling aggrieved, the petitioner preferred a Criminal Revision Application No.71 of 1989 before the learned Additional Sessions Judge, Ahmedabad(Rural) which was dismissed under the judgment and order dated 12th April 1991. Feeling aggrieved, the petitioner has preferred the present petition under Article 227 of the Constitution.

Learned Advocate Mr.Pandya has appeared for the petitioner and has contended that the respondent No.1 was not wife of the petitioner and that she had not made proper application before the learned Magistrate. Considering the application for divorce, being Hindu Marriage Petition No.11 of 1986 filed by the present petitioner and in view of the findings recorded by the courts below, the contention requires to be rejected. No other ground has been made out by Mr.Pandya for interference with the judgments and orders of the courts below.

Petition is, therefore, dismissed. Rule is discharged.

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